



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 713-00

28 March 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 8 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
8 Mar 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED] USMC

Ref: (a) MCO P1400.32A (Enlisted Promotion Manual)

1. [REDACTED] requests that his promotion to staff sergeant be backdated to 1 January 1995 based on his selection by the 1994 Reserve Staff Noncommissioned Officer Selection (SMCR) Board. His most recent selection to staff sergeant is by the 1999 Reserve (SMCR) SNCO Selection Board which gave him a date of rank of 1 January 2000.

2. Our records indicate that [REDACTED] erroneously selected for promotion to the rank of staff sergeant by the 1994 Reserve SNCO Selection Board due to the fact that he made a component change from the Selected Marine Corps Reserve to the Active Reserve while the board was in session. Per paragraph 1203.16e of the reference, Marines that effect an intercomponent or interclass transfer while a Reserve SNCO selection board is in session, are no longer eligible for selection consideration. Recommend his petition be denied.

Richard B. Fitzwater
RICHARD B. FITZWATER

Assistant Head, Enlisted Promotions
Promotion Branch
By direction of
The Commandant of the Marine Corps